

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:  
All Actions

**DEFENDANTS' MOTION TO  
COMPEL AGAINST KENNEDY  
HODGES LLP**

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Pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(vii) and Local Rules 7.1 and 37.1, Defendants 3M Company and Arizant Healthcare Inc. (collectively “Defendants”) respectfully move the Court to compel Kennedy Hodges LLP to (i) confirm that there are no communications between it and Augustine other than those communications that have been produced to Defendants or are listed on Augustine’s privilege logs; or, if it cannot so confirm, (ii) immediately produce such communications or, to the extent Kennedy Hodges asserts that a privilege applies, to produce a privilege log and provide such communications to the Court for *in camera* inspection, because Kennedy Hodges has failed to answer Defendants’ straightforward questions about the completeness of the privilege logs of their client, Dr. Scott Augustine, and the entities he controls (collectively, “Augustine”).<sup>1</sup>

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<sup>1</sup> In this Motion, “Augustine” refers to: Dr. Scott Augustine, Augustine Biomedical and Design, Augustine Temperature Management, Hot Dog International, Hot Dog USA, Orthopedic Infection Advisory, and Stop Surgical Infection. *See* ECF No. 178 at 1 n.1.

Dated: March 9, 2017

Respectfully submitted,

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